

1 SENATE JOINT MEMORIAL 75

2 **46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

3 INTRODUCED BY

4 Leonard Lee Rawson

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10 A JOINT MEMORIAL

11 REQUESTING THE DEPARTMENT OF ENVIRONMENT AND THE PUBLIC
12 REGULATION COMMISSION, WITH THE COOPERATION OF THE STATE
13 ENGINEER, TO INVESTIGATE THE SERVICE AREAS OF MUNICIPAL,
14 MEMBER-OWNED, INVESTOR-OWNED AND SPECIAL DISTRICT WATER
15 SYSTEMS.

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17 WHEREAS, there are several organizational structures for
18 water distribution systems that supply and deliver water to end
19 users; and

20 WHEREAS, these organizational structures include
21 municipal, member-owned, investor-owned and special district
22 systems, each organized under different state laws; and

23 WHEREAS, investor-owned water systems are under the
24 jurisdiction of the public regulation commission and are
25 regulated as to the service area where they can provide water,

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1 while municipal, member-owned and special district water
2 systems are not so regulated by the state; and

3 WHEREAS, because there exist no statutes that strictly
4 identify the separate service areas of municipal, member-owned,
5 investor-owned and special district systems, jurisdictional
6 disputes regularly arise; and

7 WHEREAS, as the state grows in population, jurisdictional
8 disputes over service areas will escalate;

9 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
10 STATE OF NEW MEXICO that the department of environment and the
11 public regulation commission, with the cooperation of the state
12 engineer, be requested to investigate the various water system
13 organizational structures and prepare a written report that
14 describes how service areas are developed, identifies potential
15 conflicts and proposes ways to avoid or settle future disputes;
16 and

17 BE IT FURTHER RESOLVED that the department of environment,
18 the public regulation commission and the state engineer present
19 their findings and recommendations to the appropriate interim
20 legislative committee by December 1, 2004; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to the secretary of environment, the public
23 regulation commission and the state engineer.